

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107



SUBJECT: Shaffer Electric Site  
Minden, Fayette Co., WV

FROM: *Stephen Jarvela*  
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TO: Dennis P. Carney, Chief  
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DATE: 4-29-93

This memo is to summarize the current status of the Shaffer Electric Site and to outline a strategy for addressing the lingering concerns from State and Local Government Officials and the Concerned Citizens of Minden, WV.

#### BACKGROUND

Recently the Agency for Toxic Substances and Disease Registry (ATSDR) published a Petitioned Public Health Assessment of the Minden Area, which focused on the Shaffer Site, for public comment. The findings of the ATSDR assessment confirms for the most part EPA's position that the site does not pose a significant threat to the public health. However, ATSDR cites that there is a lack of data to support or dismiss concerns of any public health threat posed by the site.

In addition to the ATSDR assessment, data on samples collected by the concerned citizens of Minden was submitted to the EPA to document their position that PCB contamination continues to pose a health threat. I have had a QA/QC data validation review conducted by the Technical Assistance Team (TAT). The TAT review identifies a number of potential problems with the data package and concludes that, at best, the data should only be considered an estimate.

Last year the Government Accounting Office conducted an investigation of EPA's management of the Shaffer Project. In January GAO submitted its report of its investigation to Congressman Rahall. The GAO report found no evidence of mismanagement or contractor fraud in EPA's handling of the project. Parts of the GAO report were taken out of context and published in the press specifically accusing me of old fashioned cronyism. These allegations were addressed by the Region in a response to Congressman Rahall, drafted for EPA Administrator signature on March 06, 1993. EPA Headquarters has since decided to have the letter signed by the Regional Administrator with a

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cover letter from the Administrator. The letter to Rahall was returned to the Region and is now awaiting RA's signature.

## CHRONOLOGY

In April of 1991, EPA conducted a close out meeting on the Shaffer project. No on-site activities have been conducted since that time.

In July of 1991, the Concerned Citizens to Save Fayette County, INC. conducted sampling at the Shaffer Site. Their sample results were submitted to EPA for review in June of 1992.

In May of 1992, a file review of the three Shaffer Site Projects (the start and two restarts) was conducted by this office. This review concluded that the actions taken by the OSC at the Shaffer Site were consistent with the NCP and Agency policy.

Concurrent with this office's review GAO conducted an investigation over concerns of contractor fraud and EPA mismanagement raised by Congressman Nick Joe Rahall, II. The GAO report states that it found no evidence of improper contract oversight on the part of EPA, and makes no finding of any EPA mismanagement.

On January 13, 1993 ATSDR published its Petitioned Public Health Assessment for public comment. ATSDR received two sets of comments to their health assessment. The City Manager of Oak Hill, WV had a comment on the finding concerning the Oak Hill sewage treatment plant, and Larry Rose provided comments from the Concerned Citizens to Save Fayette County, Inc.. ATSDR is preparing a response to the comments received.

On April 17, 1993 Ray George reported to Don Welsh that Senator Byrd's Office had received a resolution for a Congressional buy-out from the WV State Senate. Ray briefed the Senator's staff (very little information on the what the briefing entailed). Senator Byrd's Office will be formally requesting a summary and status of the EPA-Minden Project.

## STRATEGY

There are two issues that currently need to be addressed, the ATSDR Assessment and the sampling data provide by the citizens group. The ATSDR assessment raises two concerns: that there was insufficient data to determine if the site no longer posed a threat to the public; and that the detection limit on the water sampling conducted by EPA was not low enough to be of use for a health assessment. The data provided by Larry Rose, while only an estimate, is not far outside of the range of EPA's

sampling data. The citizens data needs to be assessed and responded to.

To address these concerns I have initiated the following review of all analytical data:

All analytical data, including the citizens data will be compiled on site maps to scale.

All areas of excavation will also be mapped identifying pre and post analytical datum.

A summary report of the data will be prepared identifying:

- A. Those areas where there is sufficient information and no further sampling is necessary;
- B. Those areas where information is limited but characterized as under our action level;
- C. Those areas where no data exists or where the data is inconclusive as having met the action level.

#### Future Actions

A report on the data and excavation review will be prepared to address the concerns identified above and identify options for future action. A draft sampling plan will be prepared, if necessary, for those areas identified in B & C above. The plan will consider on-site screening as well as off-site laboratory validation.

The draft sampling plan will be distributed to: ATSDR; WV-EPA; PRP's; Concerned Citizens to Save Fayette County, Inc.; Congressman Rahall; and to Local Officials for review and comment.

Comments relating to this assessment will be incorporated into a final Sampling Plan for implementation by the appropriate party, if necessary. Comments concerning long term risk assessment will be referred to the appropriate State/Federal program office.